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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,494	10/19/2006	Christophe Roger Spinello	0507-1093	9224

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YOUNG & THOMPSON  
209 Madison Street  
Suite 500  
Alexandria, VA 22314

EXAMINER
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FINDLEY, CHRISTOPHER G

ART UNIT	PAPER NUMBER
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2482

NOTIFICATION DATE	DELIVERY MODE
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10/08/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DocketingDept@young-thompson.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/588,494	<b>Applicant(s)</b> SPINELLO ET AL.	
	<b>Examiner</b> CHRISTOPHER FINDLEY	<b>Art Unit</b> 2621	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/04/2006</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

**2. Claims 1-6 and 8-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Morander (US 20030146972 A1).**

Re **claim 1**, Morander discloses a method of programming an image acquisition system comprising image reception or detection means, such as a camera, having a field of vision and means of processing the images taken by said camera, in order to define at least one detection area in the field of vision of the camera, characterized in that it consists: in placing a sending device (21) in at least one position in the field of vision of the camera and in activating the sending device so that it sends at least one electromagnetic initialization signal or radiation, such as a light signal, having

predetermined characteristics, towards the camera when it is in said at least one position (Morander: paragraph [0029]), in analyzing the content of the images (9a) obtained from the camera so as to recognize said initialization signal (Morander: paragraph [0033]), in locating said signal by its coordinates in the images obtained from the camera (Morander: paragraph [0031]), and in defining, according to a predetermined program, at least one detection area (15) in the field of vision of the camera based on said coordinates of said initialization signal (Morander: paragraph [0031]).

Re **claim 2**, Morander discloses placing a sending device (21) in turn in at least two positions in the field of vision of the camera and in activating in turn the sending device so that it sends initialization signals having predetermined light characteristics towards the camera when it is in said positions (Morander: paragraph [0035], several markers), in analyzing the content of the images (9a) obtained from the camera so as to recognize said initialization signals (Morander: paragraph [0033]), in locating these signals by their coordinates in the images obtained from the camera (Morander: paragraph [0031]), and in defining, according to a predetermined program, at least one detection area (15) in the field of vision of the camera based on said coordinates of said initialization signals (Morander: paragraph [0031]).

Re **claim 3**, Morander discloses prestoring initialization data corresponding to said at least one initialization signal, in comparing the measured data corresponding to at least one point of the images received with this prestored initialization data and in determining or computing the coordinates of at least one initialization point in the

images received when the measured data corresponding to this point is equal or roughly equal to the stored initialization data (Morander: paragraph [0032], continuously monitored).

Re **claim 4**, Morander discloses defining at least one detection area in the field of vision of the camera based on the coordinates of at least one received initialization signal, the extent and position of which relative to these coordinates are predefined (Morander: paragraph [0031]).

Re **claim 5**, Morander discloses defining a detection area in the field of vision of the camera based on the coordinates of two received initialization signals, located at least on one side of the line passing through the points corresponding to these coordinates (Morander: paragraph [0032]).

Re **claim 6**, Morander discloses defining a polygonal detection area in the field of vision of the camera based on the coordinates of at least three received initialization signals, the sides of which pass through the points corresponding to these coordinates (Morander: paragraph [0032] and Fig. 1, the objects located in the field of view form a polygon with the outermost objects in view being the vertex points).

Re **claim 8**, Morander discloses analyzing the content of the images received by digital filtering or thresholding (Morander: paragraph [0039]).

Re **claim 9**, Morander discloses that each initialization signal is a light signal sent according to a predetermined modulating frequency and/or a predetermined chroma (Morander: paragraph [0029]).

Re **claim 10**, Morander discloses a device for programming an image acquisition system comprising image reception or detection means, such as a camera, having a field of vision and means of processing the images taken by said camera, characterized in that it comprises at least one mobile sending device (21) suitable for sending at least one electromagnetic initialization signal or radiation, such as a light signal, having at least one predetermined characteristic, towards the camera (Morander: paragraph [0029], markers), and in that the image acquisition system (3) comprises means (13) of recognizing said at least one initialization and location signal to define the coordinates of said at least one initialization signal in the images obtained from this camera (Morander: paragraph [0031]) and means (19) for defining, according to a predetermined program, at least one detection area (15) in the field of vision of the camera based on said coordinates of said at least one initialization signal (Morander: paragraph [0031]).

Re **claim 11**, Morander discloses that the camera (2) is a video camera and in that said recognition and location means comprise at least one digital filtering or thresholding means (16) in order to compare prestored data with data corresponding to the points of the video signal (Morander: paragraph [0039]).

Re **claim 12**, Morander discloses that the image acquisition system comprises notification means (46) and means for activating these notification means when the coordinates corresponding to said at least one initialization signal are acquired (Morander: paragraph [0032], deviation initiates an alarm; paragraph [0042], a message is sent when an alarm is triggered).

Re **claim 13**, Morander discloses sending and receiving means (49, 50) associated with the mobile sending device (21) and sending and receiving means (47, 48) associated with said image acquisition system (3), suitable for exchanging functional signals (Morander: paragraph [0029]).

Re **claim 14**, Morander discloses synchronization means (53, 54) for synchronizing said mobile sending device (12) and said image acquisition system (13) using synchronization signals exchanged via said sending and receiving means (Morander: paragraph [0030], sensor signal).

Re **claim 15**, Morander discloses acknowledgement means (51, 52) at least for signaling the end of the definition of said coordinates and/or the end of the definition of said at least one detection area (Morander: paragraph [0029], light may be transmitted in short flashes).

Re **claim 16**, Morander discloses an appliance for the surveillance of at least one predetermined area, characterized in that it comprises a programming device for programming an image acquisition system comprising image reception or detection means, such as a camera, having a field of vision and means of processing the images taken by said camera, characterized in that it comprises at least one mobile sending device (21) suitable for sending at least one electromagnetic initialization signal or radiation, such as a light signal, having at least one predetermined characteristic, towards the camera (Morander: paragraph [0029], markers), and in that the image acquisition system (3) comprises means (13) of recognizing said at least one

initialization and location signal to define the coordinates of said at least one initialization signal in the images obtained from this camera (Morander: paragraph [0031]) and means (19) for defining, according to a predetermined program, at least one detection area (15) in the field of vision of the camera based on said coordinates of said at least one initialization signal (Morander: paragraph [0031]); wherein the programming device is programmed according to the method as claimed in claim 1 (Morander: paragraphs [0029] and [0031], a control unit and computer unit exert control over the operation of the system of the prior art).

Re **claim 17**, Morander discloses prestoring initialization data corresponding to said at least one initialization signal, in comparing the measured data corresponding to at least one point of the images received with this prestored initialization data and in determining or computing the coordinates of at least one initialization point in the images received when the measured data corresponding to this point is equal or roughly equal to the stored initialization data (Morander: paragraph [0032], original positions are registered).

Re **claim 18**, Morander discloses defining at least one detection area in the field of vision of the camera based on the coordinates of at least one received initialization signal, the extent and position of which relative to these coordinates are predefined (Morander: paragraph [0031]).

Re **claim 19**, Morander discloses defining at least one detection area in the field of vision of the camera based on the coordinates of at least one received initialization



signal, the extent and position of which relative to these coordinates are predefined (Morander: paragraph [0031]).

Re **claim 20**, Morander discloses defining a detection area in the field of vision of the camera based on the coordinates of two received initialization signals, located at least on one side of the line passing through the points corresponding to these coordinates (Morander: paragraph [0035], multiple markers).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morander (US 20030146972 A1) in view of Guenter et al. (US 6072496 A, hereinafter referred to as “Guenter”).**

Re **claim 7**, Morander does not specifically disclose that the initialization signals have different predetermined light characteristics. However, Guenter discloses a system for capturing and representing 3D geometry, color and shading of facial expressions and other objects, wherein the system consists of several cameras pointed at an object which has several different colored markers arranged on it so that the cameras can extrapolate positional information from the markers, and further wherein

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the markers may be made of a reflective material (Guenter: Column 6, lines 1-45).

Since both Morander and Guenter relate to systems for identifying positional information extrapolated from captured images, one of ordinary skill in the art at the time of the invention would have found it obvious to combine the multiple colored markers of Guenter with the system of Morander in order to create a system capable of distinguishing objects by color coding.

### ***Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER FINDLEY whose telephone number is (571)270-1199. The examiner can normally be reached on Monday-Friday (8:30 AM-5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/  
Supervisory Patent Examiner, Art Unit 2621

/Christopher Findley/